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| 10/087,098 | 03/01/2002 | G. Eric Engstrom | 109909-129542 | 1975 |

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EXAMINER

WEST, LEWIS G

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2682

DATE MAILED: 07/31/2003

74

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,098

Applicant(s)

ENGSTROM ET AL.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 80-100 have been considered but are moot in view of the new ground(s) of rejection.

Applicant brings into question the qualification of Wycherley as prior art, but provides no evidence or even any substantial arguments to the contrary other than a mere statement of opinion.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 80-100 rejected under 35 U.S.C. 103(a) as being unpatentable over Wycherley (US2002/0030103) in view of Sylvan (US 5,572,573).

Regarding claim 80, Wycherley discloses a cover comprising: a cover body to mate with a body of an electronic apparatus, to partially cover the body of the electronic apparatus, the front surface of the body of the electronic apparatus extending from a top edge of the body of the electronic apparatus to a bottom edge of the body of the electronic apparatus and from a left edge of the body of the electronic apparatus to a right edge of the body of the electronic apparatus, and the cover body having an exterior surface non-functionally decorated to provide the electronic apparatus with one or more visually perceivable attributes of the non-functional theme; and an electronic component embedded within the cover body, having data stored therein for customizing functions of

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the electronic apparatus to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the cover body to jointly effectuate a non-functional theme. (Figure 1, paragraphs 0004-0011; 0015-0030) While Wycherley does not expressly disclose that the cover partially covers a front surface of the body of the electronic apparatus not occupied by a display and a plurality of keys, Sylvan shows device that with an interchangeable cover, which also changes the function of the phone, and also does not cover the display or keypad (Col. 4 lines 42-55 Col. 5 lines 25-34). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to not cover the keypad and display in order to provide the user with access to operate the keys and see the display.

Regarding claim 81, Wycherley discloses the cover of claim 80, wherein the electronic component comprises data identifying to the processor of the body of the electronic apparatus, which group of a plurality of covering groups the cover is a member of, each covering group having a non-functional theme. (0017-0018)

Regarding claim 82, Wycherley discloses the cover of claim 80, wherein the data comprises at least one of a resource server specification, an email address, an electronic coupon, a font style, an identifier identifying the interchangeable cover, and an approval code. (0006,0018)

Regarding claim 83, Wycherley discloses the cover of claim 80, wherein the data comprises a selected one of a pointer to an audio data file and a audio data file, where the audio data file complements the visually perceivable attributes of the non-functional

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theme provided by the non-functional decorations of the exterior surface of the cover body. (0006,0018)

Regarding claim 84, Wycherley discloses the cover of claim 80, wherein the data comprises at least a selected one of a pointer to a screen saver, a pointer to a video data file, a screen saver and a video data file, where the screen saver/video data file is complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the cover body. (0006,0018)

Regarding claim 85, Wycherley discloses the cover of claim 80, wherein the electronic component comprises a processor. (0017)

Regarding claim 86, Wycherley discloses a mobile phone comprising: a body including a top edge, a bottom edge, a left edge, a right edge, a front surface extending from the top edge to the bottom edge and from the left edge to the right edge, a display and a plurality of keys disposed on a plurality of regions of the front surface, and an internally disposed processor to execute one or more programming instructions; and an interchangeable cover to mate with the body, to partially cover the rest of the front surface, with the interchangeable cover having an exterior surface non-functionally decorated to provide the mobile phone with one or more visually perceivable attributes of a non-functional theme, and an electronic component embedded within the interchangeable cover, having data stored therein for customizing functions of the mobile phone to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover to jointly effectuate the non-functional theme.

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(Figure 1, paragraphs 0004-0011; 0015-0030) While Wycherley does not expressly disclose that the cover partially covers a front surface of the body of the electronic apparatus not occupied by a display and a plurality of keys, Sylvan shows device that with an interchangeable cover, which also changes the function of the phone, and also does not cover the display or keypad (Col. 4 lines 42-55 Col. 5 lines 25-34). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to not cover the keypad and display in order to provide the user with access to operate the keys and see the display.

Regarding claim 87, Wycherley discloses the mobile phone of claim 86, wherein the electronic component of the interchangeable cover comprises data identifying to the processor of the body, which group of a plurality of interchangeable covering groups the corresponding interchangeable cover is a member of, each interchangeable covering group having a non-functional theme. (0006,0018)

Regarding claim 88, Wycherley discloses the mobile phone of claim 86, wherein the data comprises at least one of a phone number, a resource server specification, an email address, an electronic coupon, a font style, an identifier identifying the interchangeable cover, and an approval code. (0006,0018)

Regarding claim 89, Wycherley discloses the mobile phone of claim 86, wherein the data comprises a selected one of a pointer to an audio data file and a audio data file, where the audio data file complements the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover. (0006,0018)

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Regarding claim 90, the combination of Wycherley and Sylvan discloses the mobile phone of claim 89, wherein the audio data file facilitates modification of audio of the mobile phone to audio that is complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover. (0017-0030) Wycherley does not expressly disclose the changing of a voice greeting. Examiner takes official notice that is notoriously well known in the art that voice greetings are a type of audio used in a portable phone that may be changed. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to change a voice greeting when a cover is changed to reflect the other changes in visual and aural attributes changed by the cover.

Regarding claim 91, Wycherley discloses the mobile phone of claim 89, wherein the audio data file facilitates modification of ring tones of the mobile phone to ring tones that are complementary to the visually perceivable attributes of the non-functional theme provided by the nonfunctional decorations of the exterior surface of the interchangeable cover. (0019-0030)

Regarding claim 92, Wycherley discloses the mobile phone of claim 86, wherein the data comprises at least a selected one of a pointer to a screen saver, a pointer to a video data file, a screen saver and a video data file, where the screen saver/video data file is complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover. (0006,0018)

Regarding claim 93, Wycherley discloses the mobile phone of claim 86, wherein the electronic component comprises a processor. (0017)

Regarding claim 94, Wycherley discloses an electronic apparatus comprising: a body including a top edge, a bottom edge, a left edge, a right, a front surface extending from the top edge to the bottom edge and from the left edge to the right edge, a display and a plurality of keys disposed on a plurality of regions of the front surface, and an internally disposed processor to execute one or more programming instructions; and an interchangeable cover to mate with the body to partially cover the rest of the front surface, with the interchangeable cover having an exterior surface non-functionally decorated to provide the electronic apparatus with one or more visually perceivable attributes of a nonfunctional theme, and an electronic component embedded within the interchangeable cover, having data stored therein for customizing functions of the electronic apparatus to operate with characteristics complementary to the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover to jointly effectuate the non-functional theme. (Figure 1, paragraphs 0004-0011; 0015-0030) While Wycherley does not expressly disclose that the cover partially covers a front surface of the body of the electronic apparatus not occupied by a display and a plurality of keys, Sylvan shows device that with an interchangeable cover, which also changes the function of the phone, and also does not cover the display or keypad (Col. 4 lines 42-55 Col. 5 lines 25-34). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to not cover the keypad and display in order to provide the user with access to operate the keys and see the display.

Regarding claim 95, Wycherley discloses the electronic apparatus of claim 94, wherein the electronic component of the interchangeable cover comprises data

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identifying to the processor of the body, which group of a plurality of interchangeable covering groups the corresponding interchangeable cover is a member of, each interchangeable covering group having a non-functional theme. (0006,0018)

Regarding claim 96, Wycherley discloses the electronic apparatus of claim 94, wherein the data comprises at least one of a resource server specification, an email address, an electronic coupon, a font style, an identifier identifying the interchangeable cover, and an approval code. (0006,0018)

Regarding claim 97, Wycherley discloses the electronic apparatus of claim 94, wherein the data comprises a selected one of a pointer to an audio data file and a audio data file, where the audio data file complements the visually perceivable attributes of the non-functional theme provided by the non-functional decorations of the exterior surface of the interchangeable cover. (0006,0018)

Regarding claim 98, Wycherley discloses the electronic apparatus of claim 94, wherein the data comprises at least a selected one of a pointer to a screen saver, a pointer to a video data file, a screen saver and a video data file, where the screen saver/video data file is complementary to the visually perceivable attributes of the non-functional theme provided by the nonfunctional decorations- of the exterior surface of the interchangeable cover. (0006,0018)

Regarding claim 99, Wycherley discloses the electronic apparatus of claim 94, wherein the electronic component comprises a processor. (0017)

Regarding claim 100, the combination of Wycherley and Sylvan discloses the electronic apparatus of claim 94, wherein the electronic apparatus comprises a personal digital assistant. (Sylvan col. 4 lines 42-55)

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Design patents 416,913; 407,400; 406,583; 405,785; 396,713; 395,316; 394,439 and 398,931 all disclose a front cover which partially covers the front of a device while leaving the keys and display accessible. Sliply (US 5,848,152) also discloses an interchangeable cover that changes the function of a mobile device and partially covers the front surface allowing access to the keypad and display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



Lewis West
(703) 308-9298
July 28, 2003



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